

## CONGRESSIONAL RECORD SUMMARY

Thursday, March 8, 2001

### SENATE

#### Measures Introduced:

**S. 489. A bill to amend the Family and Medical Leave Act of 1993 to clarify the Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.**

*"...The Department of Labor's vague and confusing implementing regulations and interpretations have resulted in the FMLA being misapplied, misunderstood and mistakenly ignored. Employers aren't sure if situations like pink eye, ingrown toenails and even the common cold will be considered by the regulators and the courts to be serious health conditions. Because of these concerns and well-documented problems with the Act, I am today introducing the Family and Medical Leave Clarification Act to make reasonable and much needed technical corrections to the Family and Medical Leave Act and restore it to its original congressional intent..."*

Gregg

*Pages S 2070, S 2072-4*

**S. 490. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.**

Edwards

*Pages S 2070, S 2074-5*

#### Measures Reported:

**S. Res. 51,** authorizing expenditures by the Committee on Governmental Affairs.

**S. Res. 53,** authorizing expenditures by the Committee on the Judiciary.

*Pages S 2070, D 185*

#### S. 420. Bankruptcy Reform:

*Senate continued consideration of S. 420, to amend title 11, United States Code, taking action on the following amendments proposed thereto:*

*Pages S 2018, D 185*

#### Rejected:

***Durbin Amendment No. 17, to discourage certain predatory lending practices. (By 50 yeas to 49 nays, 1 responding present (Vote No. 18), Senate tabled the amendment.)***

*Pages S 2018-31, D 185*

*"... This is a second-chance society. If you fail through no fault of your own--or, indeed, even if it is your fault--and you have no ability to repay, your debts will be discharged and every bankruptcy judge in America will have the discretion to ensure that protection remains. No matter how many times a Senator comes to this floor and says to the contrary, it just is not so..." (Torricelli, page S 2021)*

*"... So the homestead provision within the bankruptcy code in allowing States to have their homestead provision, as opposed to a federalized homestead provision, is very important to my State, to me, and to a number of States that have this type of homestead provision in their State law...[ ] Either one would take and federalize State law, State constitutional law--constitutional law--if we go with this homestead cap that some propose, based upon anecdotal evidence of some abuse of this. If there is fraud involved in moving from one State to another one, and taking money to put it into a bigger homestead to protect it, that can be set aside now by the bankruptcy court under a fraudulent practice, and it frequently is. That is the way that is done. I urge my colleagues not to federalize this area that has been under the control of the States, that is in State constitutional law in my State and in seven other States..." (Brownback, pages S 2023-4)*

#### S. 420. Bankruptcy Reform (Cont'd.):

**Kerry Amendment No. 26, to strike certain provisions relating to small businesses, and to provide for a study of the causes of small business bankruptcy and how Federal law regarding small business bankruptcy can be made more effective and efficient. (By 55 yeas to 41 nays, 1 responding present (Vote No. 19), Senate tabled the amendment.)**

*Pages S 2032-5, S 2050- 2, D 185*

*"... Unlike the consumer provisions which have received substantial attention, the proposed amendments that would alter the rules of business reorganizations have remained largely unnoticed. According to data released last week by the **Administrative Office of the U.S. Courts**, 9,197 businesses filed for Chapter 11 reorganization during 2000. The proposed amendments would dramatically change the rules for every one of these businesses and for the thousands more businesses expected to file this year..." (Excerpt from a letter written to Senator Bond by Ms. Elizabeth Warren, Professor, Harvard Law School, pages S 2033-4)*

**Pending:**

**Schumer Amendment No. 25**, to ensure that the bankruptcy code is not used to exacerbate the effects of certain illegal predatory lending practices.

*Pages S 2031-2, S 2044- 5, D 185*

**Feinstein Amendment No. 27**, to place a \$2,500 cap on any credit card issued to a minor, unless the minor submits an application with the signature of his parents or guardian indicating joint liability for debt or the minor submits financial information indicating an independent means or an ability to repay the debt that the card accrues.

*Pages S 2035-8, D 185*

**Leahy Amendment No. 20**, to resolve an ambiguity relating to the definition of current monthly income.

*Pages S 2045-6, D 185*

**Conrad Modified Amendment No. 29**, to establish an off-budget lockbox to strengthen Social Security and Medicare.

*Pages S 2047-8, S 2049-50, D 185*

**Sessions Amendment No. 32**, to establish a procedure to safeguard the surpluses of the Social Security and medicare hospital insurance trust funds.

*Pages S 2048-9, D 185*

**See Additional Amendments Submitted And Proposed.**

*Pages S 2096-7*

A unanimous-consent agreement was reached providing for further consideration of **Amendment No. 29 and 32 (listed above)** on Monday, March 12, 2001, and Tuesday, March 13, 2001, with votes to occur thereon beginning at 2:45 p.m.

*Pages S 2052, D 185*

A unanimous-consent agreement was reached providing for any votes ordered today occur beginning at 11 a.m., on Tuesday, March 13, 2001.

*Pages S 2052, D 185*

**Committee Meeting:**

**Committee on the Budget:** Committee continued hearings to examine the President's proposed budget request for fiscal year 2002.

*Page D 186*

**HOUSE**

**Measures Introduced:**

**H.R. 941.** A bill to require the use of adjusted census data in the administration of any law of the United States under which population or population characteristics are used to determine the amount of benefits received by State or local governments, and for other purposes; to the Committee on Government Reform.

Clyburn

Page H 825

**H.R. 950.** A bill to *amend title 18 of the United States Code* to provide for reciprocity in regard to the manner in which nonresidents of a State may carry certain concealed firearms in that State; to the Committee on the Judiciary.

Hostettler

Page H 826

**H.R. 957.** A bill to *improve the prevention and punishment of criminal smuggling, transporting, and harboring of aliens*, and for other purposes; to the Committee on the Judiciary.

Keller

Page H 826

**H.R. 965.** A bill to amend title 23, United States Code, *to require States to adopt and enforce standards that prohibit the use of racial profiling* in the enforcement of State laws regulating the use of Federal-aid highways; to the Committee on Transportation and Infrastructure.

Norton

Page H 827

**H.R. 969.** *A bill to provide that Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency) shall have no force or effect, and to prohibit the use of funds for certain purposes; to the Committee on Government Reform.*

Stump

Page H 827

#### **Executive Communication:**

**EC.-1158.** *A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on September 19, 2000, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.*

Page H 825

#### **Committee on Transportation and Infrastructure:**

*The House agreed to H. Res. 85*, providing that on the Committee on Transportation and Infrastructure, Representative Pombo shall rank immediately after Representative Moran of Kansas.

Pages H 810, D 187

#### **James Madison Commemoration Commission:**

The Chair announced the Speaker's appointment of Representatives Goodlatte and Cantor to the James Madison Commemoration Commission.

Pages H 810, D 188

#### **Committee Meetings:**

**Committee on Energy and Commerce:** Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled: *"The EU Data Protection Directive: Implications for the U.S. Privacy Debate."*

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**Committee on the Judiciary:** Ordered reported the following bills: **H.R. 809**, Antitrust Technical Corrections Act of 2001; **S. 320**, as amended, Intellectual Property and High Technology Technical Amendments Act of 2001; **H.R. 741**, to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions; **H.R. 860**, *Multidistrict, Multiforum Trial Jurisdiction Act of 2001*; and **H.R. 861**, to make technical amendments to section 10 of title 9, United States Code. The Committee approved, as amended, Budget Views and Estimates on the Fiscal Year 2002 Budget for submission to the Committee on the Budget.

**Committee on the Judiciary:** Subcommittee on Crime held a hearing on **H.R. 863**, Consequences for Juvenile Offenders Act of 2001.

*Page D 189*

**Remarks:**

Disapproving Department Of Labor Rule Relating To Ergonomics.  
Roemer

*Page E 322*

**Repeal Of Executive Order 13166. (H.R. 969)**

*"... on August 11, 2000, former President Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." [ ] Executive Order 13166 **requires all federal agencies** to examine the services they provide, as well as identify any need for services to those with limited English proficiency (LEP). The Executive Order requires federal agencies to develop and implement a system to provide those services in any language that LEP individuals may speak. Mr. Speaker, we are already beginning to witness the potential costs associated with the implementation of Executive Order 13166. On January 10, 2001, the Department of Justice released a plan to implement Executive Order 13166. This Departmental plan not only creates new services that the federal government must provide, but the plan also imposes a remarkable number of new and costly requirements on every federal agency. In addition, the Department of Justice has announced plans to develop translations of documents into 30 languages..."*

Stump

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European Court Of Justice.  
Bereuter

*Page E 326*

**Next SENATE MEETING: Friday, 10:00 a.m., March 9, 2001.**

**Next HOUSE MEETING: Monday, 2:00 p.m., March 12, 2001.**

**OLA: S. Schwarz (Smith), J. Homanich**